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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,893	06/23/2000	Rabindranath Dutta	AUS000065US1	1455

7590 07/15/2004

DILLON & YUDELL LLP  
 8911 North Capital of Texas Highway  
 Suite 2110  
 Austin, TX 78759

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/599,893

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al (6072486) and Klingler et al (5404316).
4. Regarding claim 1, Sheldon et al show the method for displaying icons within a data processing system (Figure 7 for example), which: determines a quantity of a plurality of icons to be displayed on a display screen (column 2 lines 30-42 and 49-66, column 6 lines 43-55), determines a designated area on the screen for displaying the icons (column 2 lines 49-66, Figure 6, column 15 lines 29-42, column 16 lines 4-19, column 18 lines 19-35), scales the icons such that the icons are displayed in the designated area (column 18 lines 29-36, Figure 2). Sheldon et al do not specifically go into the details of the scaling being automatic per se based on the number of icons, but do mention scaling the icons and fitting them to the designated area. Furthermore, Klingler et al do show automatically scaling image clips based on number of clips, to fit

them to a designated area (see Klingler et al Figures 3, 4, 6, 17, column 3 lines 20-45, column 5 lines 30-60, column 8 lines 13-45). It would have been obvious to a person with ordinary skill in the art to automatically scale the icons in Sheldon et al based on the number of icons, because it would be a convenient way to fit the icons to the designated area.

5. Regarding claim 2, the vector graphic (text based) icon quantity may be determined (Sheldon et al Figures 6, 8A-E, column 16 lines 24-40.)
6. Regarding claim 3, the bitmap graphic icons quantity may be determined (Sheldon et al Figure 10C, column 17 lines 45-55).
7. Regarding claim 4, the icons are displayed on the screen (Sheldon et al Figure 10C for example).
8. Regarding claim 5, the icons include graphic and text images (Sheldon et al Figure 7 for example).
9. Regarding claim 6, the icons may only be text (Sheldon et al Figure 6, 8A-E for example).

10. Regarding claim 7, the screen has a fixed pixel width and height (standard monitor, Sheldon et al column 6 lines 8-15)
11. Claims 8-14, 15-21, show the same features as 1-7 respectively and are rejected for the same reasons.
12. Claims 22 and 25 and 29 show the same features as claim 1 and is rejected for the same reasons.
13. Regarding claims 23-24, 26-27, 30-31, in addition to that mentioned for claim 1, note again the minimum and maximum size choices for the icon determined by user input (Sheldon et al column 18 lines 29-36).
14. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al (6072486) and Klingler et al (5404316) and Bodnar et al (6310634).
15. Regarding claim 28, neither Sheldon et al nor Klingler et al specifically show the handheld device, but Sheldon et al show an interface for fitting icons to a designated area. This is particular applied in many handheld devices (see Bodnar et al column 13 lines 10-45, Figures 3, 4G for example). It would have been obvious to a person with ordinary skill in the art to have this as an output interface in Sheldon et al, because it

would provide a convenient output device for an apparatus that fits icons to a designated area.

16. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
STEVEN SAX  
PRIMARY EXAMINER

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